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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,301	03/09/2001	Jeffrey Sinsky	J. Sinsky-W. Yang 3-1	1204

22046 7590 01/16/2004

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,301

Applicant(s)

SINSKY ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Notice to Applicant(s)

1. Claims 1-8 of U.S. Application 09/803,301 filed on 03/09/2001 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill et al. U.S. Patent No. 6,334,219 (hereinafter Hill).

Regarding claim 1

Hill teaches

Apparatus for performance-monitoring of a synchronous optical network standard signal comprising means

- supplied with the standard optical signal for converting the standard optical signal to an electrical signal (col. 20 lines 56-67, “the video information is optically ... plurality of remote units 46”);

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- separating from said electrical signal the framing signal portion thereof and leaving in its time slot the noise that was on the framing signal (col. 31 lines 7-20, "The clock and time slot ... the CTSU input structure"); and
- separating selectively for inspection such noise from the data power for use as a measure of the quality of the standard optical signal (col. 77 lines 23-40, "In addition, an estimate ... bad or good channel exists").

Regarding claim 2

Hill teaches

- separating the noise from the data includes a squaring circuit for increasing the discrimination between the relatively low noise power and the relatively high data power, and a low pass filter circuit for passing selectively the noise power to a display for viewing (col. 78 lines 42-49, "The mixer 240 create ... take off any noise content").

Regarding claim 3

Hill teaches

- the squaring circuit is a diode (col. 22 lines 35-41, "This same-frequency transmission ... little loss of resolution").

Regarding claim 4

Hill teaches

- separating the framing signal from its noise is a notch filter (col. 72 lines 49-67, "the ingress filter ... tunable notch filter").

Regarding claim 6

Hill teaches

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- separating the framing signal power from the noise power in its time slot is a notch filter (col. 72 lines 37-47, "One method provides ... ingress actually corrupted").

Regarding claim 7

Hill teaches

The process for performance monitoring of a SONET standard signal comprising the steps of

- converting the signal into an electrical signal (col. 20 lines 56-67, "the video information is optically ... plurality of remote units 46"),
- separating from said electrical signal the framing signal in a manner to leave the noise in the framing signal time slot and the data power essentially undisturbed (col. 31 lines 7-20, "The clock and time slot ... the CTSU input structure"), and
- displaying the noise power in the framing time slot of the separated signal (col. 78 lines 42-49, "The mixer 240 create ... take off any noise content").

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill.

Regarding claim 5

Hill teaches the framing signal is separated from the noise in its time slot by a low pass filter but does not teach about including two 50 ohm lengths of transmission line and two one-quarter

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wavelength stubs of such a transmission line, of which one is shorter and the other open-ended. However, Hill discloses the Pidgeon prior art that teaches the Light Wave Transmission Lines (col. 2 lines 7-21, "U.S. Pat. No. 5,153,763 ... distortion reducing system"). Therefore, it is obvious and well known in the art for one of ordinary skill in the art at the time the invention was made to use the two 50 ohm lengths of transmission line and two one-quarter wavelength stubs of such a transmission line over optical fiber networks for the distribution of broadband.

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anil Khatri* at (703) 305-0282.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

January 12, 2004

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 1/12/04
For Anil Khatri